



DAN WALKER
MAYOR

CITY OF TORRANCE

EX PARTE OR LATE FILED

October 4, 2004

ORIGINAL

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 12th Street SW
Washington D.C. 20554

Re: **Review of the Emergency Alert System, EB Docket No. 04-296**

Dear Chairman Powell:

Municipalities need a means to alert their residents about local emergencies such as local severe weather conditions, unexpected road closings, local toxic waste spills, gas main leaks or water system problems. As a result, for decades municipalities have required local emergency alert systems in their cable franchises. Torrance has an "Emergency Override System" (EOS) in place with Time Warner Cable. This System allows Torrance to communicate directly with our residents, without going through third parties and without alerting other communities. Such local alerts are not appropriate for and are not carried by the more recent regionally oriented Federal Emergency Alert System (EAS), which typically serves several counties. The EAS is managed by the Los Angeles County Sheriff. The Torrance EOS is also used as a backup in case the Federal EAS does not work. In the past, the FCC has strongly supported cable television local emergency alert systems against attempts to preempt them.

The City of Torrance is concerned that your current rulemaking on EAS's doesn't acknowledge cable local emergency alert systems and seems inclined to preempt them, despite the FCC's past support. The FCC does not have the power to preempt the local cable television alert system because they are provided for in cable franchises, and Congress didn't give you the authority to preempt them. We are also concerned that the new Federally governed national alert system proposed in the rulemaking does not take municipalities into account or their need to have direct, effective, immediate means for alerts targeted to their residents.

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Please make sure that you do not preempt the local cable televisions emergency alert systems provided for in cable franchises across the country. If you do create a new Federally governed national alert system, please make sure that it provides for participation by municipalities and allows them to send alerts directly (without the intervention of a third party) targeted to their residents in the event of a local emergency.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Walker', with a long horizontal flourish extending to the right.

DAN WALKER
Mayor

DW:MDS:maw

cc: Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
Secretary, Federal Communications Commission
Ms. Marilyn Mohrman-Gillis, Director of Policy and Federal Relations
National League of Cities
Ms. Elizabeth Beaty, Executive Director
NATOA
Mr. Jeffrey Arnold, Deputy Legislative Director
National Association of Counties
Mr. Ron Thaniel, Assistant Executive Director
U.S. Conference of Mayors